

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-Publication of Notice Statement)

Amend Sections 1.74, 27.15 and 27.67
Title 14, California Code of Regulations

Re: Salmon Punch Card and Steelhead Fishing Report and Restoration Card, Multi-Day Fishing Trips
and Transport of Recreational Finfish Through a Restricted Fishing Area

Add Section 701
Title 14, California Code of Regulations
Re: Sport Fishing Forms and Fees

- I. Date of Initial Statement of Reasons: June 28, 2005
- II. Dates and Locations of Scheduled Hearings:
- (a) Notice Hearing: Date: August 19, 2005
Location: San Luis Obispo, California
- (b) Discussion/Adoption Hearing: Date: November 4, 2005
Location: Santa Barbara, California
- III. Description of Regulatory Action:
- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:
1. Consolidate and Update Sport Fishing Fees to New Section in Title 14
- Existing regulations reference the fees for sport fishing cards and permits in various sections of Title 14. Pursuant to Section 713 of the Fish and Game Code, these fees are adjusted annually based on a calculated cost-of-living adjustment. This requires the Department to identify each section that contains a fee and take regulatory action to update the fees to ensure the regulations are accurate. The proposed changes would remove references of fees from existing sections, consolidate them into one sport fishing fees section, and update the fees as required by Section 713. This will streamline the process for the Department and Commission staff and will simplify the regulations for the public.
2. Remove Duplicate References of the Legal Size Limit for Taking Salmon in Ocean Waters
- Existing regulations specify the legal size limit for taking salmon in ocean waters in sections 1.74 and 27.80 of Title 14. This requires the Department to update both sections of Title 14 when there is a change in the size limits for taking salmon in ocean waters. The proposed change would remove the specific size limit from Section 1.74 and add language that refers to Section 27.80 for the specific size limit. This will streamline the process for the Department and Commission staff and will simplify the regulations for the public.
- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 215, 219, 220, 713, 1050, 7380 and 10502, Fish and Game Code.

Reference: Sections 200-203.1, 207, 210, 215, 219, 220, 713, 1050, 7380, 10500 and 10502, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change:

None

(d) Identification of Reports or Documents Supporting Regulation Change:

None

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

None

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Consolidate and Update Sport Fishing Fees to New Section in Title 14

There is no reasonable alternative to the proposed action.

2. Remove Duplicate References of the Legal Size Limit for Taking Salmon in Ocean Waters

There is no reasonable alternative to the proposed action.

(b) No Change Alternative:

1. Consolidate and Update Sport Fishing Fees to New Section in Title 14

The no change alternative was considered and found inadequate to attain the project objectives. Retaining the fees in existing sections creates additional work for Department and Commission staff to identify and update each section annually to ensure the fees are accurate. If the fees are not consolidated into a dedicated section in regulation some fees may not be updated annually resulting in inaccurate fees listed in regulations, potentially leading to confusion for the public.

2. Remove Duplicate References of the Legal Size Limit for Taking Salmon in Ocean Waters

The no change alternative was considered and found inadequate to attain the project objectives. Retaining the size limits in two sections creates additional work for Department and Commission staff to ensure that both sections are updated when there is a change in the size limit for taking salmon in ocean waters. If the size limit is not removed from one of the sections (1.74) inconsistent size limits may be reflected in regulation, potentially leading to confusion for the public.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and following initial determinations relative to the required statutory categories have been made.

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action consolidates the fees relating to sport fishing within regulation, adjusts fees pursuant to Section 713, removes duplicate references to legal size limits for taking salmon in ocean waters, and is economically neutral to businesses.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None

(c) Cost Impacts on Private Persons:

The agency is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None

(e) Other Nondiscretionary Costs/Savings to Local Agencies:

None

(f) Programs Mandated on Local Agencies or School Districts:

None

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4:

None

(h) Effect on Housing Costs:

None

INFORMATIVE DIGEST
(Policy Statement Overview)

Existing regulations reference the fees for sport fishing cards and permits in various sections of Title 14. Pursuant to Section 713 of the Fish and Game Code, these fees are adjusted annually based on a calculated cost-of-living adjustment. This requires the Department to identify each section that contains a fee annually and take regulatory action to update the fees to ensure the regulations accurately reflect the correct fee. The proposed changes would remove references of fees from existing sections, consolidate them into one sport fishing fees section, and update the fees as required by Section 713. This will streamline the process for the Department and Commission staff and will simplify the regulations for the public.

Existing regulations specify the legal size limit for taking salmon in ocean waters in sections 1.74 and 27.80 of Title 14. This requires the Department to update both sections of Title 14 when there is a change in the size limits for taking salmon in ocean waters. The proposed change would remove the specific size limit from Section 1.74 and add language that refers to Section 27.80 for the specific size limit. This will streamline the process for the Department and Commission staff and will simplify the regulations for the public.

Editorial changes are also proposed to improve the clarity and consistency of the regulations.